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ALCOHOL

Serial number and name of the Distillery	As production (in Million litres)	
	169-70	1970-71
1 Trichy Distilleries and Chemicals Ltd. (Tiruchi).	12.9	13.2
2 E.I.D. Parry Ltd. (Nellikuppam).	4.0	2.9
Total ...	16.9	16.1

இணைப்பு V

[185-ம் பக்கத்திலுள்ள இனம் 4 (2)-க்கான அடிக்கூறு குறிப்பைக் காண்க.]

L.A. Bill No. 22 of 1972.

(As passed by the Assembly.)

A Bill further to amend the Tamil Nadu Agriculturists Relief Act, 1938 and to extend that Act to the transferred territory in the State of Tamil Nadu.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972.

2. *Amendment of section 3, Tamil Nadu Act IV of 1938.*—In section 3 of the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938) (hereinafter referred to as the principal Act),—

(1) in clause (ii),—

(i) in sub-clause (a), the words “not being land situated within a municipality or cantonment” shall be omitted.

(ii) in proviso (A),—

(a) for the expression “31st March 1938”, the expression “31st March 1972” shall be substituted;

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(b) for the expression "Indian Income-tax Act, 1922 (Act XI of 1922) or under the Income-tax laws of any territory which immediately before the 1st November 1956 was comprised in a Part B State", the expression "Income-tax Act, 1961 (Central Act 43 of 1961) or under the income-tax law in force in any foreign country" shall be substituted;

(iii) in proviso (B),—

(a) for the expression "1st October 1937", the expression "1st March 1972" shall be substituted;

(b) for the expression "six hundred rupees", the expression "one thousand and two hundred rupees" shall be substituted;

(c) for the expression "the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)", the expression "the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919)" shall be substituted;

(d) for the expression "or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920) in a panchayat which was a union before the 26th August 1930", the expression "or under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)" shall be substituted;

(iv) in proviso (C),—

(a) for the expression "1st October 1937", the expression "1st March 1972" shall be substituted;

(b) for the expression "the Madras City Municipal Act, 1919 (Tamil Nadu Act IV of 1919)", the expression "the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919)" shall be substituted;

(c) for the expression "or under the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920), in a panchayat which was a union before the 26th August 1930", the expression "or under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or under the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)" shall be substituted;

(d) for the expression "Rs. 600", the expression "Rs. 1,200" shall be substituted.

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(2) for clause (iii), the following clause shall be substituted, namely :—

“(iii) ‘debt’ means any liability in cash or kind, whether secured or unsecured, due from an agriculturist whether payable under a decree or order of a civil or revenue court or otherwise, but does not include rent as defined in clause (iv) or ‘kanartham’ as defined in section 3 of the Malabar Tenancy Act, 1929 (Tamil Nadu Act XIV of 1930).

(3) in clause (iv),—

(a) after the expression “means”, the expression “the rent payable by a cultivating tenant under the Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 (Tamil Nadu Act XXIV of 1956), or under the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) or the”, shall be inserted;

(b) for the expression “under section 88 of the Tamil Nadu Local Boards Act, 1920 (Tamil Nadu Act XIV of 1920)”, the expression “under any law for the time being in force in this State” shall be substituted.

3. *Substitution of new section for section 4 of Tamil Nadu Act IV of 1938.*—For section 4 of the principal Act, the following section shall be substituted, namely :—

“4. *Certain debts and liabilities not to be affected.*—Nothing in this Act shall affect debts and liabilities of an agriculturist falling under the following heads :—

(a) any revenue, tax or cess payable to the State Government or any other sum due to them, by way of loan or otherwise;

(b) any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise;

(c) any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise;

(d) any liability in respect of any sum due to any co-operative society including a land development bank, registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961) :

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Provided that where the liabilities mentioned in this clause arise by reason of an assignment to any such co-operative society, either such assignment has taken place before the 1st March 1972 or is an assignment to such society of a loan granted by another such co-operative society;

(e) any liability arising out of breach of trust;

(f) any liability in respect of maintenance whether under a decree of court or otherwise;

(g) any liability in respect of wages or remuneration due as salary or otherwise for services rendered;

(h) any liability in respect of any sum due to—

(A) any Public Company as defined in the Companies Act, 1956 (Central Act I of 1956);

(B) any banking company to which the Banking Regulation Act, 1949 (Central Act X of 1949) applies;

(C) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act XXIII of 1955);

(D) any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);

(E) any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(F) any company or corporation owned or controlled by the Central Government or any State Government.”

4. *Amendment of section 5, Tamil Nadu Act IV of 1938.*—In section 5 of the principal Act, for the expression “1st October 1937”, the expression “1st March 1972” shall be substituted.

5. *Amendment of section 6, Tamil Nadu Act IV of 1938.*—In section 6 of the principal Act,—

(i) in the marginal heading for the words “Sons and descendants”, the words “Heirs” shall be substituted;

(ii) for the words “none of his sons and descendants in the male line”, the words “none of his heirs” shall be substituted.

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6. *Amendment of section 7, Tamil Nadu Act IV of 1938.*—In section 7 of the principal Act, for the expression “at the commencement of this Act” occurring in the first paragraph, the expression “on the 1st March 1972” shall be substituted.

7. *Amendment of section 8, Tamil Nadu Act IV of 1938.*—In section 8 of the principal Act,—

(i) in the marginal heading and in the opening portion, for the expression “1st October 1932”, the expression “1st March 1972” shall be substituted;

(ii) clause (1) shall be omitted;

(iii) in clause (4), the expression “(1)” shall be omitted;

(iv) in *Explanation I* for the expression “unless he has expressly stated”, the expression “notwithstanding that he has expressly stated” shall be substituted;

(v) in *Explanation III* and in *Explanation IV* for the expression “before or after the commencement of this Act”, the expression “before, on or after the 1st March 1972” shall be substituted.

8. *Omission of section 9, Tamil Nadu Act IV of 1938.*—Section 9 of the principal Act shall be omitted.

9. *Amendment of section 9-A, Tamil Nadu Act IV of 1938.*—In section 9-A of the principal Act,—

(i) the expression “or 9” wherever it occurs and the figure “9” occurring in the opening portion of clause (a) of sub-section (5) shall be omitted;

(ii) in sub-section (1), for the expression “30th September 1947”, the expression “1st March 1972” shall be substituted;

(iii) in sub-section (5), in clause (a), in the opening paragraph, for the expression “commencement of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1948 (Tamil Nadu Act XXIII of 1948), with effect from the commencement of that Act”, the expression “publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972 in the Tamil Nadu Government Gazette with effect from the publication of that Act” shall be substituted;

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(iv) for sub-section (10), the following sub-section shall be substituted, namely :—

“(10) Notwithstanding anything contained in this section,—

(a) Where, during the period after the 30th January 1948 and before the 1st March 1972, the mortgagee or any of his successors-in interest has transferred either wholly or in part the mortgagee's right in the property *bona fide* and for valuable consideration, then, the provisions of sub-sections (1) to (9) shall apply to such mortgage and for purposes of sub-sections (3) to (9) the period during which the last transferee was in possession of the property shall alone be taken into account :

Provided that the transferee of a mortgage shall not be entitled to recover in respect of such mortgage, anything more than the value of the consideration for the transfer; but nothing therein contained shall, in cases where the property or portion thereof has been leased back to the mortgagor, affect the right of the transferee to recover the rents, if any, due under the lease, if such rents have not become barred by limitation under any law for the time being in force.

(b) Notwithstanding anything contained in clause (a), where the mortgagee's interest in the property subject to the mortgage or any part of such interest belonged to, or devolved on two or more persons and during the period aforesaid, a partition has taken place among such persons, then nothing contained in this section, except sub-sections (1) and (2) shall apply to the whole or such part of the interest, as the case may be.”

(v) in sub-section (11), for the expression “ sub-section (10), clause (ii) (a) ”, the expression “ clause (a) of sub-section (10) ” shall be substituted.

10. *Amendment of section 10, Tamil Nadu Act IV of 1938.*—
In section 10 of the principal Act.—

(i) in sub-section (1),—

(a) for the expression “ sections 8 and 9 ”, the expression “ section 8 ” shall be substituted;

(b) for the expression “ 1st October 1937 ”, the expression “ 1st March 1972 ” shall be substituted;

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(ii) in sub-section (2),—

(a) in the opening portion, for the expression “ sections 8 and 9”, the expression “section 8” shall be substituted;

(b) in clause (ii), the expression “ or ” occurring at the end shall be omitted;

(c) clause (iii) shall be omitted.

11. *Amendment of section 11, Tamil Nadu Act IV of 1938.*—In section 11 of the Principal Act, for the expression “sections 8 and 9”, the expression “section 8” shall be substituted.

12. *Amendment of section 12, Tamil Nadu Act IV of 1938.*—In section 12 of the principal Act,—

(i) in the opening paragraph, for the expression “ or otherwise:”, occurring at the end, the expression “or otherwise or at the rate of nine per cent per annum simple interest, whichever is less” shall be substituted;

(ii) the proviso shall be omitted.

13. *Amendment of section 13, Tamil Nadu Act IV of 1938.*—In section 13 of the principal Act,—

(i) (a) for the expression “ all interest due ”, the expression “ all interest whether paid or payable ” shall be substituted;

(b) for the expression “ after the commencement of this Act”, the expression “on or after the 1st March 1972” shall be substituted;

(e) for the expression “ 6½ per cent per annum ”, the expression “ nine per cent per annum ” shall be substituted;

(ii) for the Explanation, the following Explanations shall be substituted, namely :—

“*Explanation I.*—For the purposes of this section, the definition of “ agriculturist ” in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, for the expression “ the financial years ending on the 31st March 1972 ”, the expression “ the financial years ending on the 31st March immediately preceding the date on which the debt is incurred ” were substituted; and

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(ii) in provisos (B) and (C) to that section as amended by the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, for the expression "the four half years immediately preceding the 1st March 1972", the expression "the four half years ending on the 31st March or the 30th September (whichever is later) immediately preceding the date on which the debt is incurred" were substituted.

Explanation II.—Where any agriculturists has paid to any creditor any interest at a rate more than the rate specified in this section, the amount of interest so paid shall be calculated by the Court at the rate specified in this section and the excess of the amount so paid shall be credited towards the principal.

14. *Amendment of section 18, Tamil Nadu Act IV of 1938.*—In section 18 of the principal Act,—

(i) in sub-section (1),—

(a) for the expression "1st October 1937", the expression "1st March 1972" shall be substituted;

(b) for the expression "commencement of this Act", the expression "publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Nothing in sub-section (1) shall apply to any suit instituted on or after the 1st March 1972 and before the date of the publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette* in respect of a claim which would be barred by limitation before that date of such publication."

15. *Amendment of section 19, Tamil Nadu Act IV of 1938.*—In section 19 of the principal Act,—

(i) for the expression "commencement of this Act" wherever it occurs, the expression "publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*" shall be substituted;

(ii) in sub-section (2), for the word "commencement" occurring at the end, the word "publication" shall be substituted.

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16. *Amendment of section 19-A, Tamil Nadu Act IV of 1938.*—In sub-section (1) of section 19-A of the principal Act, for the expression “Where any debt incurred before the 22nd March 1938, other than a decree debt is due by any person who claims that he was an agriculturist both in that date and on the 1st October 1937”, the expression “Where any debt incurred before the 1st March 1972, other than a decree debt, is due, by any person who claims that he was an agriculturist on that date” shall be substituted.

17. *Amendment of section 21, Tamil Nadu Act IV of 1938.*—In sub-section (1) of section 21 of the principal Act, for the expression “coming into force of this Act”, the expression “publication of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, in the *Tamil Nadu Government Gazette*” shall be substituted.

18. *Amendment of section 22, Tamil Nadu Act IV of 1938.*—In section 22 of the principal Act,—

(i) for the expression “1st October 1937” in both the places where it occurs, the expression “1st March 1972” shall be substituted;

(ii) for the expression “sections 8 or 9, as the case may be, and of sections 11 and 12”, the expression “sections 8, 11 and 12” shall be substituted.

19. *Insertion of new section 23-C in Tamil Nadu Act IV of 1938.*—After section 23-B of the principal Act, the following section shall be inserted, namely :—

“23-C. *Power of court to set aside sales of immovable property in certain cases.*—Where in execution of any decree, any immovable property in which any person entitled to the benefits of the Tamil Nadu Agriculturists Relief (Amendment) Act, 1972, had an interest, has been sold or foreclosed on or after the 1st March 1972, and the sale has not been confirmed before the publication of the said Act in the *Tamil Nadu Government Gazette*, or ninety days have not elapsed from the confirmation of the sale or from the foreclosure, at such publication, then, notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963) or in the Code of Civil Procedure, 1908 (Central Act V of 1908), and notwithstanding that the sale has been confirmed, any judgment debtor claiming to be entitled to the benefits of the said Act, may apply to the court within ninety days of such publication or of the

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confirmation of the sale, whichever is later, to set aside the sale or foreclosure of the property, and court shall, if satisfied that the applicant is a person entitled to the benefits of the said Act, order the sale or foreclosure to be set aside, and thereupon the sale or foreclosure shall be deemed not to have taken place at all :

Provided that no such order shall be made without notice to the decree holder, the auction-purchaser, and other persons interested in such sale or foreclosure and without affording them an opportunity to be heard in the matter.

20. *Amendment of section 24, Tamil Nadu Act IV of 1938.*— In section 24 of the principal Act, for the expression “ or section 23-B ”, the expression “ section 23-B or section 23-C ” shall be substituted.

21. *Amendment of section 25, Tamil Nadu Act IV of 1938.*— In section 25 of the principal Act, for the expression “ 1st October 1937 ”, the expression “ 1st March 1972 ” shall be substituted.

22. *Amendment of section 25-A, Tamil Nadu Act IV of 1938.*— In section 25-A of the principal Act, in sub-section (1), in clause (e) for the expression “ or section 23-B ”, the expression “ section 23-B or section 23-C ” shall be substituted.

23. *Amendment of section 27, Tamil Nadu Act IV of 1938.*— In section 27 of the principal Act,—

(i) for the words “ executive authority of a municipality, the president of a local board or the Revenue Officer of the Corporation of Madras ”, the words “ executive authority of a municipality, Panchayat, Panchayat union or Township or the Revenue Officer or Commissioner of the Municipal Corporation of Madras or of Maduari ” shall be substituted;

(ii) for the words “ President or Revenue Officer ”, the words “ or Revenue Officer or Commissioner ” shall be substituted.

24. *Amendment of section 28, Tamil Nadu Act IV of 1938.*— In section 28 of the principal Act,—

(i) in sub-section (2),—

(a) in clause (b), the word “ and ” occurring at the end shall be omitted;

(b) clause (c) shall be omitted;

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(ii) for sub-section (3), the following sub-sections shall be substituted, namely :—

“(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

25. *Extension of principal Act to the transferred territory, repeal and savings.*—(1) The principal Act as in force immediately before the date of the publication of this Act in the State of Tamil Nadu except in the transferred territory and as amended by this Act is hereby extended to, and shall be in force in, the transferred territory.

(2) If, immediately before the date of the publication of this Act, there is in force in the transferred territory any law corresponding to the principal Act such corresponding law shall stand repealed on such date.

(3) The repeal by sub-section (2) of any law corresponding to the *principal Act* in force in the transferred territory immediately before the date of the publication of this Act shall not affect—

(a) the previous operation of any such law or anything duly done or suffered thereunder; or

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(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed, certificate granted or registration effected under any such corresponding law shall be deemed to have been done or taken under the corresponding provision of the principal Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the principal Act.

(5) For the purpose of facilitating the application of the principal Act in the transferred territory, any court or other authority may construe the principal Act with such alteration not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(6) Any reference in the principal Act to a law which is not in force in the transferred territory shall, in relation to those territories, be construed as a reference to the corresponding law, if any, in force in those territories.

(7) Any reference in any law which continues to be in force in the transferred territory after the date of the publication of this Act to any law repealed by sub-section (2) shall, in relation to those territories be construed as a reference to the principal Act.

Explanation.—For the purpose of this section, the expression “transferred territory” shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.